DOCUMENT RESUME

ED 457 580 EA 031 332

AUTHOR DeSchryver, Dave
TITLE School Choice Today.
INSTITUTION Center for Education Reform, Washington, DC.
PUB DATE 1999-07-00
NOTE 8p.
AVAILABLE FROM Center for Education Reform, 1001 Connecticut Ave., NW, Ste. 204, Washington, DC 20036 ($2). Tel: 800-521-2118 (Toll Free); Fax: 202-822-5077; Web site: http://edreform.com/.
PUB TYPE Reports - Descriptive (141)
EDRS PRICE EDRS Price MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS Academic Achievement; Accountability; Black Students; *Charter Schools; Educational Change; *Educational Vouchers; Elementary Secondary Education; *Equal Education; Hispanic Americans; Parochial Schools; Public Schools; *Scholarships; *School Choice; Tuition

ABSTRACT

With the increasing demand for better schools, states and communities are providing more options to families. By doing so, they are not only improving educational opportunity for those children, but also having a dramatic impact on how schools operate in their communities. The most important options are full school-choice programs, charter schools, and private scholarship programs. State lawmakers are addressing education reform with new interest because of evidence of the success that these programs can generate, particularly for disadvantaged children. School choice is a freedom that is gaining national favor. Strong disapproval has been found for the current condition of education and, as a result, support for school choice has strengthened. Seventy-eight percent of those polled do not believe that children, especially in inner cities, are receiving the education they need. This is especially true among black respondents, of whom 85 percent feel this way. Better than 80 percent of all adults support school choice, regardless of the respondents' race. Specifically, 82 percent of adults support offering parents a choice in where their children attend school; 66 percent favor a legislative choice policy; and 72 percent support allowing poor parents to use tax dollars to send their children to the school of their choice. This report details findings across the country concerning growing support for school-choice programs in New York, Arizona, Florida, Vermont, Maine, as well as in cities such as Cleveland and Milwaukee. However, school-choice opponents in those cities filed a federal lawsuit claiming that the programs violate the constitutional separation of church and state. Tax credits and/or deductions are discussed for Arizona, Illinois, Iowa, and Minnesota. (DFR)

Reproductions supplied by EDRS are the best that can be made
from the original document.

FA

The Center for Education Reform

1001 Connecticut Avenue, NW
Suite 204 • Washington, DC 20036

Tel 202-822-9000
Fax 202-822-5077

SCHOOL CHOICE TODAY

ED 457 580

BEST COPY AVAILABLE

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL IN MICROFICHE, AND IN ELECTRONIC MEDIA FOR ERIC COLLECTION SUBSCRIBERS ONLY, HAS BEEN GRANTED BY

C. Braunlich

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

2

2A

EA031332

FA

The Center for Education Reform

1001 Connecticut Avenue, NW
Suite 204 o Washington, DC 20036

Tel 202-822-9000
Fax 202-822-5077

SCHOOL CHOICE TODAY

With the increasing demand for better schools, states and communities are providing more options to families. By doing so, they are not only improving the education opportunity for those children, but also having a dramatic impact on how schools operate in their communities. The most important options are full school choice programs, charter schools, and private scholarship programs. Armed with the evidence of success that these programs can generate, particularly for disadvantaged children, state lawmakers are addressing education reform with new rigor.

GROWING SUPPORT FOR SCHOOL CHOICE:

School choice is a freedom that's gaining national favor. The Center for Education Reform's (CER) 1997 *National Survey of American's Attitudes Toward Education and School Reform* found strong disapproval for the current condition of education and, as a result, strong support for school choice. Seventy-eight percent of those polled do not believe that "children, especially in the inner cities, are receiving the education they need." This is especially pointed among black respondents, of whom 85% feel this way. Regarding choice, CER found that better than eight-in-ten people support school choice, regardless of the respondents' race. Specifically, 82% of adults support offering parents a choice in where their children attend school; 66% favor a legislative choice policy and 72% support allowing poor parents to use tax dollars to send their children to the school of their choice.

In the last two years, over 20 polls have found growing support for school choice. For example, the left-leaning Joint Center for Political and Economic Studies (JCPES) found that support for school vouchers for use in public, private, or parochial schools is strong. A majority of blacks and Hispanics supported school vouchers, especially those most likely to be looking for better educational opportunities – young parents: 87% percent of blacks ages 26 to 35, and 66.4% of blacks ages 18-25 support vouchers.

Similar findings appear across the country. For example, in March 1998, the Goldwater Institute found that 73% of registered **Arizona** voters think parents should have the right to send their children to any public school they want that has room for the children. According to a May 1998 poll of 1,000 black **Philadelphians** by the Commonwealth Foundation, 64% of African-American adults in the city favor vouchers. There are similar findings throughout our cities and states. Indeed, the demand for school choice has reached critical mass.

The Quinnipiac College Polling Institute found that registered **New York** voters support school choice. According to the poll, 58% of New York parents would take their kids out of public schools if they could afford it. Support for school vouchers was high among minorities, particularly Hispanics, who favor the idea roughly 2 to 1.

EA 031332

In January 1999, a Princeton Survey/Pew Research poll for *Public Agenda* found that 74% of Americans feel that improving our educational system should be a top priority for our nation's leaders.

Indeed, the demand for school choice has reached critical mass.

WHY IT'S GOOD:

In *Evidence on School Choice: What We Learn from the Traditional Forms of School Choice in the U.S.*, Harvard economist Caroline Minter Hoxby shows that public schools react to competition by offering better schooling and reducing costs.

> *"Greater private-school competitiveness significantly raises the quality of public schools, as measured by the educational attainment, wages, and high school graduation rates of public school students."*

Additionally, parents with greater choice are more involved in their child's schooling and prefer a higher standard of achievement for both their children (academic achievement) and their chosen school (standards and discipline).

People nationwide, from entertainment stars like Will Smith to Quantina Samuels, a single mother of two in **Washington, D.C.** who applied to the Children's Scholarship Fund, are joining the movement for better schools.

> *"A number of us are working to encourage school choice because we believe options and competition help all schools. We're working for school choice, public and private, but the point isn't to help one system or another. We want to help the kids." Charlie Ward of the New York Knicks and the 1994 Heisman Trophy Winner.*

The Detroit Partnership for Parental Choice was formed from among some of that city's most respected institutions. The business leaders and pastors from among the city's largest churches came together in early 1998 to endorse a voucher program to help children in failing schools.

> *"Detroiters are fed up with what the system of public education currently offers. Second, it tells us that people are ready to do something about it now."*

Nearly 3,500 mothers and fathers of public school students brought a class action suit against the **Denver** Public Schools in late 1997 charging that the school system failed to teach basic skills to poor and minority students. While the battle still lingers, some of these parents have found options in charter schools or via private scholarship programs.

THE WHERE AND WHATS:

Full School Choice Programs are drawing much attention. **Florida, Cleveland,** and **Milwaukee** currently provide parents the opportunity to send their children to the public or private school of their choice. **Vermont** and **Maine** provide a tuitioning program for **secular state approved schools in districts without public schools.**

The longest running school choice program is in **Vermont.** In order to meet the demand of parents, who live in towns too small to support a local public school, the state pays the tuition expenses for children to attend any public or non-sectarian private school

(including schools outside the state). Vermont's tuition statute — adopted in 1869 to ensure that both urban and rural school children could receive a quality secondary education — did not distinguish between religious and secular schools. However, a 1961 court ruling banned religious schools. The citizens and school board of Chittenden challenged the law and the State Department of Education to provide parents the option to send their children to the school of their choice. The Vermont courts affirmed the original ruling and parents are still not allowed to choose a religious school for their children.

A similar story line appears in, where the state traditionally pays the child's tuition to any school of the parent's choosing, in state or out-of-state. There too, the state Supreme Court affirmed the ruling that parents are not allowed to choose a religious school for their children. On April 23, 1999, the **Maine** Supreme Court ruled that the ban on religious schools is not unconstitutional, but did not say whether the inclusion of religious schools would be unconstitutional. The decision simply does not support the right of parents to send their children to a religious institution and receive a tuition reimbursement when there is not a law that specifically supports that practice. On October 12, 1999 the United State Supreme Court decided not to review the ruling, affirming the lower court's decision. While the decision is unfortunate for Maine school choice and the families seeking the best education for their children, it does not speak to the separation of church and state. The court was not called upon to determine whether a particular school choice program violates the Establishment Clause. Instead, it faced the opposite question: whether a tuition program that specifically excludes religious schools violates the state constitution and parental civil rights. Thus for additional court cases, Maine has little applicability.

A historical plan was implemented in the spring of 1999 in **Florida**. "Opportunity scholarships" are part of a larger public school accountability plan. The plan provides public schools with incentives for improving, consequences for success and failure, and solid measurements to gauge progress. The incentives include operational autonomy and fiscal rewards for academic progress. The consequences include opportunity scholarships for schools that fail for two consecutive years. Students in failing schools would be able to transfer their education dollars to the school of their choice. Each scholarship is expected to be worth at least $4,000 per year. Beginning with the 2001-2002 school year, a school's performance designation will be based on student learning gains as measured by annual assessments in grades 3 through 10, and on other appropriate performance data, including attendance, dropout rate, school discipline data, and student readiness for college. The measurements are at the local, state, and national assessments and are widely respected by authorities involved in the standards effort.

Before the ink dried on the opportunity scholarships, the NAACP and the ACLU challenged them in court. Critics claim that it violates the constitutional provision of the separation of church and state. Precedents in both state and federal courts say otherwise. On June 10,1998, the Wisconsin State Supreme Court ruled that the program does not violate the establishment clause because the parents direct the student funds to the schools of their choice. In November 1998, the U.S. Supreme Court let the decision stand by declining to consider the case. In March 2000, Circuit Judge Ralph Smith ruled that the program was unconstitutional. The case is being appealed.

In **Cleveland**, Ohio, choice scholarships worth up to $2,500 each allow 3,700 at-risk children to attend private schools of their parent's choosing, secular or religious. However, upon enactment, the teacher's unions and other anti-choice groups sued. Upon its July 31, 1996 passage, Judge Lisa L. Sadler of the Franklin County Common Pleas Court in Columbus, upheld the program. "This court is persuaded that the nonpublic sectarian schools participating in the scholarship program are benefited only indirectly, and purely as the result of the genuinely independent and private choices of aid recipients." In May 1997, a state appeals court ruled that the scholarships violate federal and state constitutional bans on government aid to religious institutions and that was appeals to the state supreme court. On May 27 1999, the Ohio Supreme Court ruled that the program was constitutional but that it originally passed through the legislature in an unconstitutional fashion. The legislature repaired the process, voted to restore the program and Governor Taft signed the legislation, enabling the program to continue, but the legal wrangling continues.

In July 1999, a month before the new school year, school choice opponents filed a second federal lawsuit claiming, again, that the program violates the constitutional separation of church and state. On the eve of the new school year, U.S. District Judge Solomon Oliver Jr. granted an injunction on the entire program. This produced a public outcry against the ill-timed decision and the judge quickly put his ruling on hold. The stay allows students who were in the program for elementary students last year to receive their tuition vouchers. But new entrants into the program are ineligible. The new student ineligibility caused more confusion that has yet to be legally resolved. The mess, however, is practically resolved for the time being. Communities, private school, and philanthropic organizations stepped up to guarantee every child in the program goes to the school of their choice.

If it were simply up to the parents this program would be flourishing. The *Evaluation of the Cleveland Voucher Program After Two Years* (Harvard Program on Education Policy and Governance, June 1999) reported high levels of parental satisfaction and involvement from parents more economically disadvantaged than the average public school family. It also reported low levels of disruption in their child's schools. The study found considerable academic gains for participating students. "Both parental survey and initial test score results provide strong justification for the legislative decision to continue and expand the Cleveland Scholarship and Tutoring Program for another year." Now it's just the court that needs to ground itself in the program's practicality. The judge says his ruling will last only a semester or until the program's constitutionality is determined. In late December, U. S. District Judge Solomon Oliver found the program unconstitutional, but stayed his injunction of the program until the Sixth Circuit Court of Appeals could review the decision.

Milwaukee's nine-year-old choice program allows more than 6,000 students using scholarships worth roughly $4,400 (one-half the state per pupil expenditure for Milwaukee) to attend about 90 participating sectarian and nonsectarian schools. The 1990 program was expanded in 1995 to include more students and religious schools. But from 1995 to June 1998, the program was in court. In the end, the parents won. On June 10,1998, the Wisconsin State Supreme Court ruled that the program does not violate the establishment clause because the parents direct the student funds to the schools of their choice, and dismissed claims that the program segregates Milwaukee students. In

November 1998, the U.S. Supreme Court upheld the decision by declining to take up the case for consideration.

As in **Cleveland**, studies of the **Milwaukee** program have been encouraging. A Harvard study found that such privatization might result in efficiency gains. "Though costs per pupil are lower in private schools, students score higher on math and reading achievement tests." A Princeton University study found students in Milwaukee's school choice program have matched the reading gains of Milwaukee Public Schools students and have outperformed their public school counterparts in math. As a result Wisconsin legislators have expanded the school choice budget. Harvard University's education department found that after three years in the Milwaukee school choice program, the typical student moved up by 2.7 percent in reading and 5.0 percent in math as compared to their peers. After four years the differences had jumped to 5.8 percent in reading and 10.6 percent in math. In *Private School Vouchers and Student Achievement*, Cecilia Rouse finds that low-income minority students in Milwaukee choice programs increased their math achievement scores by 1.5 to 2.3 percentile points per year when tested on the Iowa Test of Basic Skills.

Arizona, Illinois, Iowa, Minnesota provide tax credits and/or deductions. School tax credits refund expenses made toward education up to a fixed figure. Tax deductions minimize the expense of education by making them itemized deductions. The qualifying criteria covers educational expenses such as tutoring, texts, and computers, and, in the states that have them so far, private school tuition. State legislation determines the amount of credit and what can be included in the deductions. It also states whether private school tuition qualifies. For example, **Minnesota** is in the first year of its education tax credit. As of May 1999, with only half of the 1998 state tax returns processed 29,000 families with household incomes of less that $33,500 took advantage of the new tax credit.

In the spring of 1999, state legislators in **Pennsylvania, Texas, New Mexico**, and **Arizona** also considered full choice programs for low-income and low performing students in traditional public schools, but were not successful this time.

WHAT IT MEANS:

Modern day choice proposals are aimed at helping children who are most in need. In Milwaukee and Cleveland decades of failure and lost years of learning prompted the pilot programs. In Florida, state policymakers agreed that schools should be given a firm set of incentives and consequences for improving, or risk losing their students. Parents now know that they have a guarantee: either the school their child attends will work, or they will be given an opportunity to enroll their child in one of their choice that does work.

Studies of the Milwaukee and Cleveland programs are encouraging and justify continued expansion of the programs. More important, however, is that these programs work to instill institutional incentives for school improvement and they consider every child's education an uncompromising priority.

> *"Milwaukee Public Schools has responded to long-standing parent requests for creating new schools that specialize in such popular programs as Montessori education," according to Howard Fuller of the Institute for the Transformation of Learning.*

Some opponents call the concept of choice radical. They say the best children will leave failing schools, leaving the worst behind. But aren't they really saying that they know schools are already failing? Aren't they really saying that they are worried about bricks and mortar, and not about children?

> *"It's common sense – the poorest people want help," said the administrator of one of two all-black private schools that opened in Denver in the late 90s. "Minority children are the ones doing the worst in public schools. But parents have no money for alternatives."*

The fact is that anytime families with money have been in bad situations, they've left for the suburbs, or chosen private or home schooling. Now there is a growing chorus of Americans that are saying that schools should work for the privilege of educating their children. That's an easy argument to win.

Prepared *by Dave DeSchryver*
Research Director
July 1999
Updated 3/00

The Center for Education Reform is a national, independent, non-profit advocacy organization founded in 1993 to provide support and guidance to individuals, community and civic groups, policymakers and others who are working to bring fundamental reforms to their schools. For more information on school choice or other education reform issues, call CER at (202) 822-9000 or visit our website at www.edreform.com.